

HOUSE BILL 916

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HB 885/03 - W&M

2004 Regular Session
4r2029

By: **Delegates Haddaway, Dwyer, Amedori, Bates, Boteler, Cluster, Costa,
Glassman, McConkey, Myers, Smigiel, Stocksdale, Stull, and Walkup**

Introduced and read first time: February 11, 2004

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Education - Expressions of Patriotism Protection Act**

3 FOR the purpose of authorizing certain school teachers, administrators, and
4 librarians to read or post in any public school building certain patriotic
5 materials that may contain certain religious references, quotations, or
6 illustrations; prohibiting the censorship of certain materials based on religious
7 content in certain locations; and generally relating to the Expressions of
8 Patriotism Protection Act.

9 BY repealing and reenacting, with amendments,
10 Article - Education
11 Section 7-105
12 Annotated Code of Maryland
13 (2001 Replacement Volume and 2003 Supplement)

14 **Preamble**

15 WHEREAS, The General Assembly finds that expressions of patriotism
16 promote liberty and religious freedom consistent with Articles 36 and 37 of the
17 Maryland Declaration of Rights; and

18 WHEREAS, Public expressions of patriotism should be encouraged throughout
19 Maryland; now, therefore,

20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
21 MARYLAND, That the Laws of Maryland read as follows:

22 **Article - Education**

23 7-105.

24 (a) This section is enacted so that the love of freedom and democracy, shown in
25 the devotion of all true and patriotic Americans to their flag and country, shall be
26 instilled in the hearts and minds of the youth of America.

1 (b) Each county board shall:

2 (1) Require the display of an American flag on the site of each public
3 school building in its county while the school is in session;

4 (2) Buy all necessary flags, staffs, and appliances for the flags; and

5 (3) Adopt rules and regulations for the proper custody, care, and display
6 of the flag.

7 (c) Each county board shall:

8 (1) Provide each public school classroom with an American flag;

9 (2) Prepare a program for each public school classroom for the beginning
10 of each school day that provides for the salute to the flag and other patriotic exercises
11 that are approved by the United States government; and

12 (3) Require all students and teachers in charge to stand and face the flag
13 and while standing give an approved salute and recite in unison the pledge of
14 allegiance as follows: "I pledge allegiance to the flag of the United States of America
15 and to the Republic for which it stands, one nation under God, indivisible, with liberty
16 and justice for all."

17 (d) Any student or teacher who wishes to be excused from the requirements of
18 subsection (c)(3) of this section shall be excused.

19 (e) (1) NOTWITHSTANDING ANY RELIGIOUS REFERENCES, QUOTATIONS, OR
20 ILLUSTRATIONS CONTAINED IN THE FOLLOWING MATERIALS, A TEACHER,
21 ADMINISTRATOR, OR LIBRARIAN MAY READ OR POST IN ANY SCHOOL BUILDING
22 COPIES OR EXCERPTS OF ANY OF THE FOLLOWING:

23 (I) THE NATIONAL MOTTO;

24 (II) THE DECLARATION OF INDEPENDENCE;

25 (III) THE MARYLAND DECLARATION OF RIGHTS;

26 (IV) ANY WRITING, SPEECH, DOCUMENT, OR PROCLAMATION OF
27 THE FOUNDING FATHERS OF THE UNITED STATES, CIVIL RIGHTS LEADERS, OR
28 PRESIDENTS OF THE UNITED STATES;

29 (V) THE MAYFLOWER COMPACT;

30 (VI) THE OFFICIAL STATE SYMBOLS OF MARYLAND;

31 (VII) THE ACTS OF THE GENERAL ASSEMBLY OF MARYLAND; OR

32 (VIII) THE ACTS OF THE UNITED STATES CONGRESS.

1 (2) THERE SHALL BE NO CENSORSHIP OF THE MATERIALS RELATED TO
2 AMERICAN OR MARYLAND HISTORY, HERITAGE, OR CULTURE AS LISTED IN
3 PARAGRAPH (1) OF THIS SUBSECTION BASED ON RELIGIOUS CONTENT IN ANY
4 PUBLIC SCHOOL OR LIBRARY OF THIS STATE.

5 (F) Each county board may provide for any other patriotic exercises it
6 considers appropriate under the regulations and instruction that best meet the
7 requirements of the different grades in the schools.

8 [(f)] (G) Any individual who commits an act of disrespect, either by word or
9 action, is in violation of the intent of this section.

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
11 effect July 1, 2004.